

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

Chambers of
BENSON EVERETT LEGG
United States District Judge

FILED
JAN 22 2001
101 West Lombard Street
Baltimore, Maryland 21201
(410) 962-0723

January 22, 2001

MEMORANDUM TO COUNSEL

RE: PATRICIA PERAGO, et vir. v. WAL-MART STORES, INC.
Civil #L-00-733

Dear Counsel:

I have reviewed plaintiff's motion to modify existing scheduling order for the purpose of designating an expert witness, G. Gosper. Apparently, witness Gosper would testify concerning Elkton police records relating to crimes committed at the local Wal Mart. I have also reviewed the Wal Mart's opposition to the motion. Because the matter has been fully briefed a hearing is unnecessary.

Plaintiff's motion is granted; Ms. Perago will be permitted to designate the additional expert. Plaintiff must submit a full and complete report in accordance with FRCP 26(a)(2). Wal Mart will be permitted to take the witness's deposition and produce its own expert if it chooses to do so. While I will permit plaintiff to designate Gosper, I have not ruled that his testimony would be admissible at trial.

Now pending is defendant's motion for summary judgment. I anticipate deciding the motion by the end of March. If I deny the motion I will schedule the trial for the late spring or early summer. Please confer and jointly advise me in writing by February 5, 2001 whether you would prefer to complete the expert discovery now or await the outcome of the summary judgment

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Memorandum to Counsel

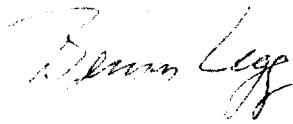
January 22, 2001

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motion. If Wal-Mart will designate its own rebuttal expert to Mr. Gosper, it makes sense to undertake the expert discovery now rather than later.

Despite the informal nature of this memorandum, it shall constitute an Order of Court and the Clerk is directed to docket it accordingly.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Benson Legg".

Benson Everett Legg

c: Court file